

Remarks/Arguments:

Applicants note the suggested guidelines for the preferred layout of the specification and respectfully submit that the Substitute Specification submitted with the September 21, 2006 Preliminary Amendment has an appropriate layout. If the Examiner is aware of any specific deficiencies, it is respectfully requested that the Examiner identify those specific deficiencies.

Claim Status

Claims 11, 13 and 17-22 are currently pending. Claims 24 and 25 have been cancelled without prejudice or disclaimer of the subject matter thereof and the rejections thereof are now moot. Applicants have made a clarifying amendment to the language of claim 11. No new matter has been added and no new issues have been raised by Applicants' amendment to claim 11.

Rejections Under 35 U.S.C. §103

While paragraph 2 of the Office Action indicates rejection of the claims under 35 U.S.C. §102(b), applicants note that a combination of references are cited and 35 U.S.C. §103 is recited in paragraph 1 introducing the rejection. As such, applicants are treating this rejection as a rejection under 35 U.S.C. §103.

Claims 11, 13, 17 and 22 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,708,100 to Russell in view of U.S. Patent No. 6,233,515 to Engelman. Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as unpatentable over Russell in view of Engelman and further in view of U.S. Patent App. Pub. No. 2003/0135318 to Tellis. Claims 20 and 21 stand rejected under 35 U.S.C. §103(a) as being anticipated by Russell in view of Engelman and further in view of U.S. Patent App. Pub. No. 2004/0153217 to Mattes. Applicants respectfully traverse each of these rejections.

"To establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the Supreme Court in KSR Int'l Co. v. Teleflex, Inc., No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 11 recites a "[s]ingle-track vehicle comprising: a brake system configured to either stop or decelerate the single-track vehicle; a brake control unit that is configured to control the brake system, said brake control unit including a cruise control system that is configured to actively vary or limit a vehicle speed or vehicle acceleration of the single-track vehicle; a vehicle acceleration controller that is configured to adjust a desired vehicle acceleration of the single-track vehicle by an automatic intervention into the brake control of the single-track vehicle or driving engine control, or a combination thereof; and a longitudinal controller that actuates the vehicle acceleration controller according to a desired vehicle acceleration, a current vehicle acceleration, a current driving engine torque and a current brake pressure."

As explained on page 5 of the clean substitute specification, beginning at the second paragraph, the longitudinal controller of the present invention determines a longitudinal acceleration demand and calculates a corresponding pressure requirement for a brake system or a corresponding demand of an engine torque to an engine control system, depending on the instantaneous situation, such as acceleration demand, current acceleration, vehicle speed, or roadway. It is further explained on page 2, in the second to last paragraph, that "[i]n addition to enhancing the comfort of the driver (assistance function), the adjustment of the defined vehicle acceleration serves especially for increasing the driving safety (accident avoidance)." The current invention recognizes the importance of acceleration on a single-track vehicle during drive-away, vehicle stop and low speed operation. The longitudinal controller accounts for the appropriate acceleration demand during different driving conditions.

Russell and Engelman are not concerned with single-track vehicles and do not recognize the necessities thereof. Russell is silent on vehicle acceleration or deceleration. The cited portion of Russell simply teaches adjustment of the accelerator or braking system in response to near-object sensors to adjust the speed of the vehicle. There is no discussion of determining a current vehicle acceleration and adjusting to account for a desired vehicle acceleration.

Engelman is cited for the limited teaching actuating of a vehicle acceleration controller according to a current engine driving torque. However, Engelman specifically teaches away from the claimed invention. Engelman explains at column 4, lines 58-66, that "[t]he use of vehicle speed as the controlled parameter that is controlled by the selective application of acceleration and deceleration forces, rather than the use of vehicle acceleration (positive and negative) as the controlled parameter, advantageously allows principles of the present

invention to be incorporated into a vehicle that has an existing production cruise control system already imbedded in an existing engine management system (EMS) as the primary throttle actuator." (emphasis added).

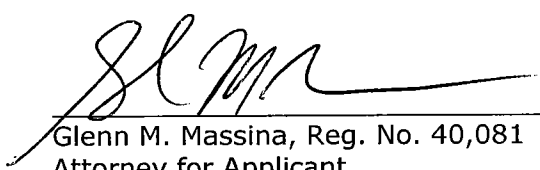
Each of the remaining references is cited for a limited purpose and does not overcome the shortcomings of Russell and Engelman. It is respectfully submitted that the cited references, alone or in any reasonable combination, fail to teach or suggest each limitation of the claimed invention.

Applicants respectfully submit that independent claim 11 is in condition for allowance. Claims 13 and 17-22 depend from claim 11, and therefore are allowable for at least as being dependent upon an allowable base claim. Applicants respectfully submit that each of the dependent claims recites additional limitation not taught or suggested by the cited references.

Conclusion

In view of the amendments to the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,



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